

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, STATE OF ARIZONA,  
STATE OF CALIFORNIA, STATE OF  
CONNECTICUT, STATE OF ILLINOIS, STATE  
OF MAINE, COMMONWEALTH OF  
MASSACHUSETTS, STATE OF MINNESOTA,  
STATE OF NEW HAMPSHIRE, STATE OF NEW  
JERSEY, COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, and STATE  
OF VERMONT,

Plaintiffs,

v.

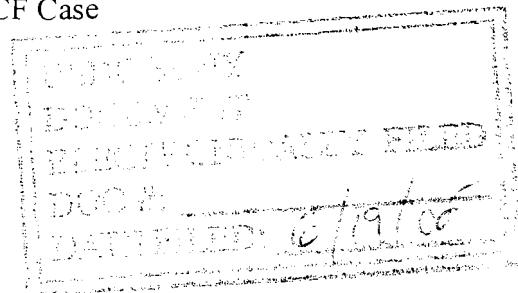
STEPHEN L. JOHNSON, in his official capacity as  
Administrator of the U.S. Environmental Protection  
Agency, and the U.S. ENVIRONMENTAL  
PROTECTION AGENCY,

Defendants.

X

Case No. 1:07 cv 10632 (BSJ) (DCF)

ECF Case



X

**STIPULATION AND ORDER REGARDING  
THE PLAINTIFF STATES' FIRST AMENDED COMPLAINT**

Plaintiffs the State of New York, the State of Arizona, the State of California, the State of Connecticut, the State of Illinois, the State of Maine, the Commonwealth of Massachusetts, the State of Minnesota, the State of New Hampshire, the State of New Jersey, the Commonwealth of Pennsylvania, Department of Environmental Protection, and the State of Vermont (collectively, the "Plaintiff States"), proposed plaintiff the State of Rhode Island ("Rhode Island"), and defendants Stephen L. Johnson, as Administrator of the U.S. Environmental Protection Agency, and the U.S. Environmental Protection Agency (collectively, "EPA"), by their attorneys,

respectfully submit this stipulation of the parties and order regarding the Plaintiff States' First Amended Complaint.

1. The Plaintiff States and Rhode Island wish to file a First Amended Complaint in this action for two reasons: first, to add Rhode Island as a plaintiff, and second, to revise certain allegations made in the eleventh claim of the original Complaint, Docket Item 1. A copy of the First Amended Complaint is attached as Exhibit A to this stipulation.
2. EPA consents to the filing of the First Amended Complaint.
3. Upon the Court's signature and entry of this Stipulation, the Plaintiff States and Rhode Island as an additional plaintiff may file the First Amended Complaint.
4. EPA shall have ten business days from the date of service of the First Amended Complaint to file its Answer to that amended pleading.

Dated: June 6, 2008

Respectfully submitted,

*For the Plaintiffs:*

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THE STATE OF NEW YORK

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*Counsel for Defendants Stephen L. Johnson  
and U.S. Environmental Protection Agency*

respectfully submit this stipulation of the parties and order regarding the Plaintiff States' First Amended Complaint.

1. The Plaintiff States and Rhode Island wish to file a First Amended Complaint in this action for two reasons: first, to add Rhode Island as a plaintiff, and second, to revise certain allegations made in the eleventh claim of the original Complaint, Docket Item 1. A copy of the First Amended Complaint is attached as Exhibit A to this stipulation.

2. EPA consents to the filing of the First Amended Complaint.

3. Upon the Court's signature and entry of this Stipulation, the Plaintiff States and Rhode Island as an additional plaintiff may file the First Amended Complaint.

4. EPA shall have ten business days from the date of service of the First Amended Complaint to file its Answer to that amended pleading.

Dated: June 6, 2008

Respectfully submitted,

*For the Plaintiffs:*

ANDREW M. CUOMO,  
ATTORNEY GENERAL OF  
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By: \_\_\_\_\_

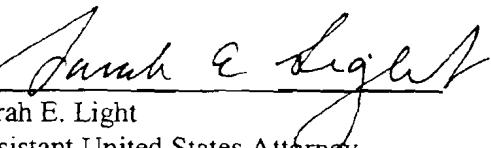
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<sup>1</sup> Motion for admission *pro hac vice* to be filed shortly.

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*Counsel for Plaintiff State of Vermont*

SO ORDERED:

*6/18/08*

Debra Freeman  
The Honorable Debra Freeman  
United States Magistrate Judge

*D*